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LATHAM & WATKINS LLP

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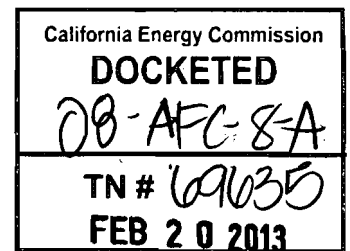
Mr. Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: **Application for Confidential Designation**
Hydrogen Energy California Power Plant (08-AFC-8A)

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Dear Mr. Oglesby:

Hydrogen Energy California, LLC ("Applicant") proposed the Hydrogen Energy California integrated gasification combined cycle facility (08-AFC-8) on July 31, 2008 ("Project"). On May 2, 2012, Applicant filed an Amended AFC and a new Docket number, 08-AFC-8A, was assigned. On January 31, 2013, the California Independent System Operator ("CAISO") prepared a cluster study entitled Queue Cluster 5 Phase I Interconnection Study Report that analyzed potential transmission line upgrades needed to interconnect applicable generation facilities with the CAISO queue ("Confidential Record"). Three hard copies of the cluster study are enclosed. Due to size limitations, attachments and appendices have been provided electronically.

On behalf of the Applicant, we request that the entirety of the Confidential Record be permanently maintained as confidential by the CEC for the reasons described below or until the Confidential Record is made public by the CAISO. We present two independent bases for finding that the Confidential Record is confidential and exempt from disclosure under the California Public Records Act: (1) California Government Code § 6254(k) (trade secrets); and (2) Government Code § 6254.15 (proprietary information).

A. The Confidential Record is Confidential Under Gov. Code § 6254(k) as a Trade Secret

The Applicant requests that the Confidential Record be designated confidential pursuant to California Government Code § 6254(k), which exempts trade secrets from disclosure under

For the reasons provided above, the Confidential Record is a trade secret under California law and qualifies for the exemption in Gov. Code § 6254(k).

B. Government Code § 6254.15 – Proprietary Information

Gov. Code § 6254.15 exempts the following types of information from disclosure under the California Public Records Act:

[C]orporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California.

The Confidential Record contains corporate proprietary information and trade secrets that are being provided to the CEC related to locating a facility within California. Thus, the Confidential Record qualifies for the exemption under Gov. Code § 6254.15.

C. Questionnaire: Application For Confidential Designation

To further support Applicant's request, we provide responses to the CEC's questionnaire regarding applications for confidential designation:

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

See description above of the Confidential Record.

1(b). Specify the part(s) of the record for which you request confidential designation.

Applicant requests confidential designation for the entire Confidential Record.

2. State and justify the length of time the Commission should keep the record confidential.

Applicant requests that the Confidential Record be kept confidential indefinitely to protect the trade secrets and proprietary information described above or until the Confidential Record is made public by the CAISO.

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The Applicant requests that the entirety of the Confidential Record be kept confidential indefinitely to protect the trade secret and proprietary information within the Confidential Record or until the Confidential Record is made public by the CAISO. The Applicant requests that the Confidential Record not be disclosed even if aggregated with other information or redacted to conceal certain information. The Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, consultants, others working as part of the project application before the CEC, or others with a specific need for the information.

I have been authorized to make this application and certification on behalf of the Applicant. With my signature to this letter, I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge.

Very truly yours,

/s/ Michael Carroll

Michael Carroll
of LATHAM & WATKINS LLP